



STATEMENT OF ENVIRONMENTAL EFFECTS

**Change of use to studio
gym**

**52/176 South Creek
Road, Cromer**

Suite 1, 9 Narabang Way Belrose NSW 2085

Phone: (02) 9986 2535 | Fax: (02) 9986 3050 | www.bbfplanners.com.au

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RESPONSIBLE FOR THIS REPORT:

Michael Haynes

Director - BBF Town Planners

Master Urban and Regional Planning Sydney University

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1 Introduction

1.1 Description of the proposed development

This report is a Statement of Environmental Effects (SEE), pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979 and accompanies the subject development application.

The application seeks development consent for change of use to a studio (small) gym, 'recreational facility (indoor)', involving no building alterations, to the premises at 52/176 South Creek Road, Cromer.

Details of the proposal are provided below. The proposal is also depicted in the accompanying plans.

1.1.1 Overview

The proposal involves use the ground floor level as a small gymnasium for 1 to 1 personal training sessions at 52/176 South Creek Road, Cromer.

1 on 1 tuition is designed to help clients build strength & mobility. Consultations with clients will be on pre-booked basis.

Hours of operation

Development consent is sought for the following hours of operation -

- Monday to Friday 6:00 AM to 7:00 PM
- Saturday 8:00 AM to 1:00 PM
- Sunday closed.

Staff & Patrons

1 staff / trainer and 1 client at any one time.

Car parking and deliveries

2 car parking spaces are provided on site which are allocated to the subject premise.

Deliveries – Nil

Waste removal

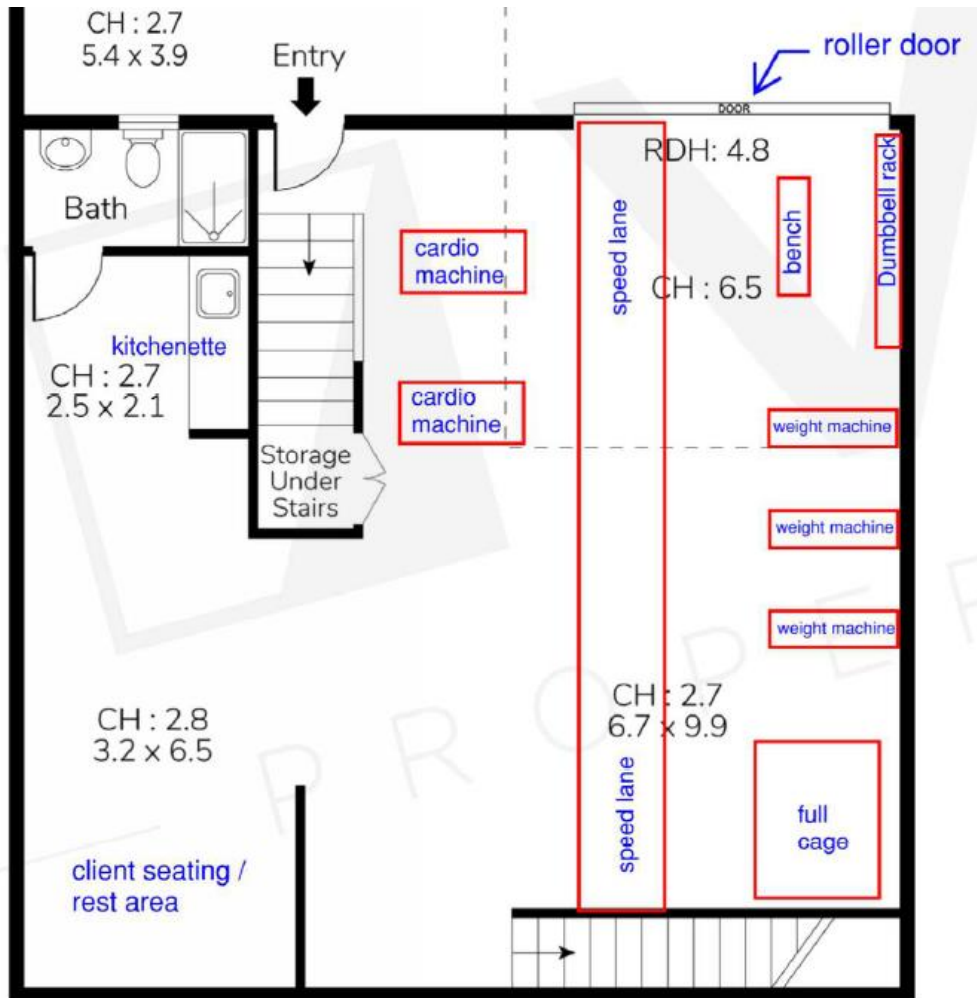
Minimal waste is generated from the business; the need for specific operational management of waste is not generated by the proposal.

No building alterations

No construction or building alterations are proposed.

Use of the tenancy involves the installation of sports equipment and several proprietary exercise machines, for example:

- machines like, lying leg curl, leg press, half cage, cardio machines, assault and ski-erg.
- free weights such as dumbbells and kettlebells.
- rubber floor mats.



Ground Floor

Figure A – Tenancy land use plan showing indicative arrangement of machines and equipment



Figure B – examples of nature and extent of exercise machines and their arrangement



Figure C – examples of nature and extent of exercise machines and their arrangement



Figure D – examples of nature and extent of exercise machines and their arrangement

1.2 Statement of Environmental Effects

This Statement of Environmental Effects (SEE) is prepared in response to Section 4.15 of the Environmental Planning and Assessment Act 1979. The proposal has been considered under the relevant provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979.

In preparation of this document, consideration has been given to the following:

- Environmental Planning and Assessment Act, 1979
- Local Environmental Plan
- Relevant State Environmental Planning Policies
- Development Control Plan

The proposal is permissible and generally in conformity with the relevant provisions of the above planning considerations.

Overall, it is assessed that the proposed development is satisfactory and the development application may be approved by Council.

2 Site Analysis

2.1 Site and location description

The site is located at 52/176 South Creek Road, Cromer and is legally described as Lot 55 in Strata Plan 69211.

The land is developed with a two storey Strata Titled industrial building which is part of a larger industrial estate.

The ground floor of the premise proposed for use as a gym has a usable area of approximately 66m².

On-site car parking is established and proposed and at the front of the building (1 space) and as shown on the accompanying car parking plan (second space).

The premise is surrounded by industrial/commercial developments with public parkland including playing fields to the south.

The figures on the following pages depict the character of the property and its existing development.



Figure 1 – Location of the site within its local context (source: Northern Beaches Mapping)



Figure 2 - The subject site. Alignment, orientation, and the development pattern (source: Northern Beaches Council)

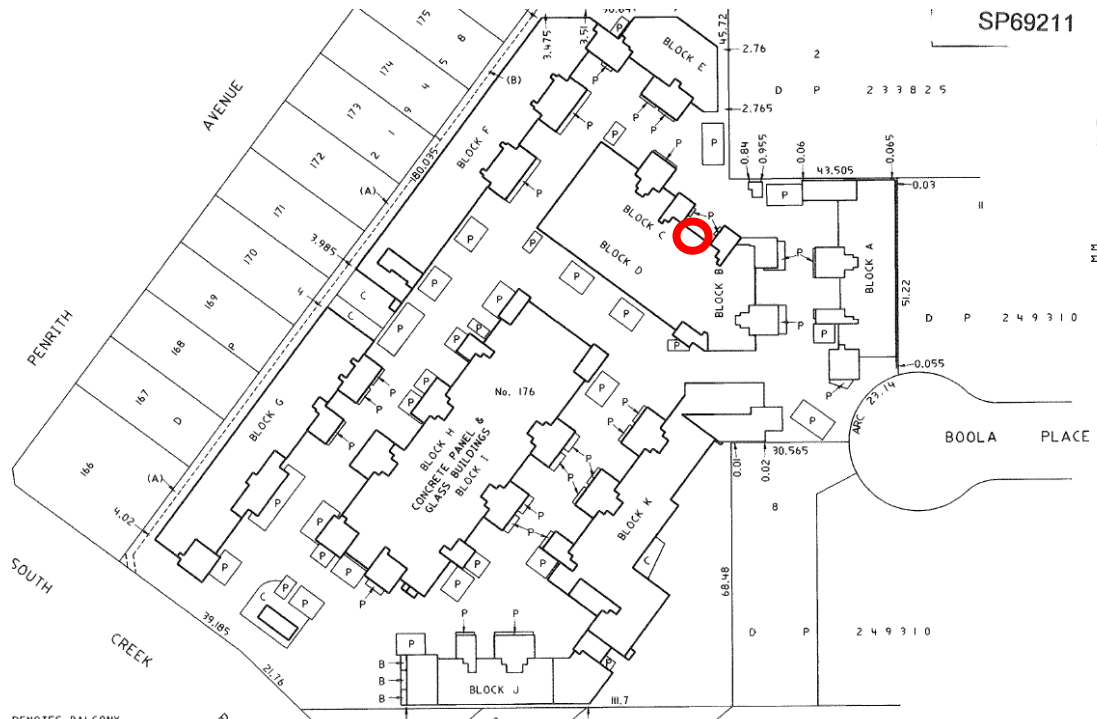


Figure 3 - the location of the premise within the Strata Titled estate

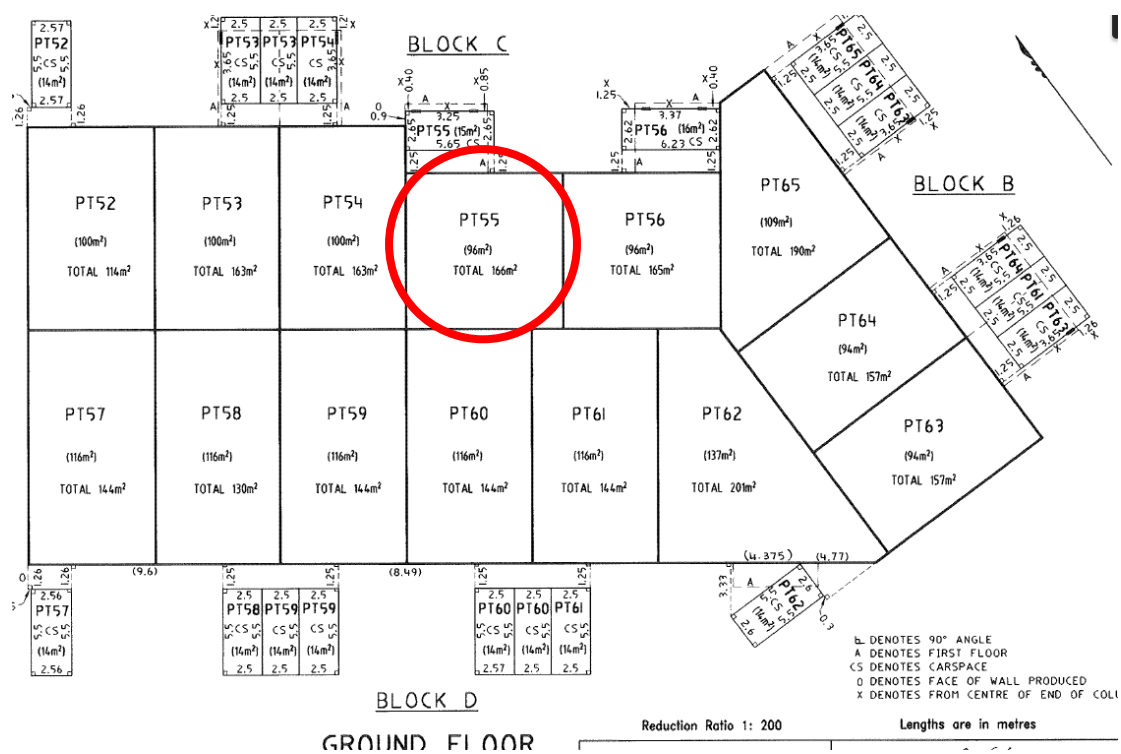


Figure 4 - the location plan for the premise within 'Block C'



Figure 5 – current premise frontage and signage panel



Figure 6 – current premise frontage

3 Environmental Assessment

3.1 Section 4.15 of the Environmental Planning & Assessment Act, 1979

The following section of the report assesses the proposed development having regard to the statutory planning framework and matters for consideration pursuant to Section 4.15 of the Environmental Planning & Assessment Act, 1979 as amended.

Under the provisions of the Environmental Planning and Assessment Act 1979 (the Act), the key applicable planning considerations, relevant to the assessment of the application are:

- Warringah Local Environmental Plan 2011
- State Environmental Planning Policies – as relevant
- Warringah Development Control Plan

The application of the above plans and policies is discussed in the following section of this report.

The application has been assessed against the relevant heads of consideration under Section 4.15 of the Act; a summary of these matters are addressed within Section 6 of this report, and the town planning justifications are discussed below.

4 Section 4.15 (1)(i) the provisions of any environmental planning instrument

4.1 Warringah Local Environmental Plan 2011

4.1.1 Zoning

The property is zoned E4 General Industrial under the Warringah Local Environmental Plan 2011 (LEP) as is most of the surrounding land.

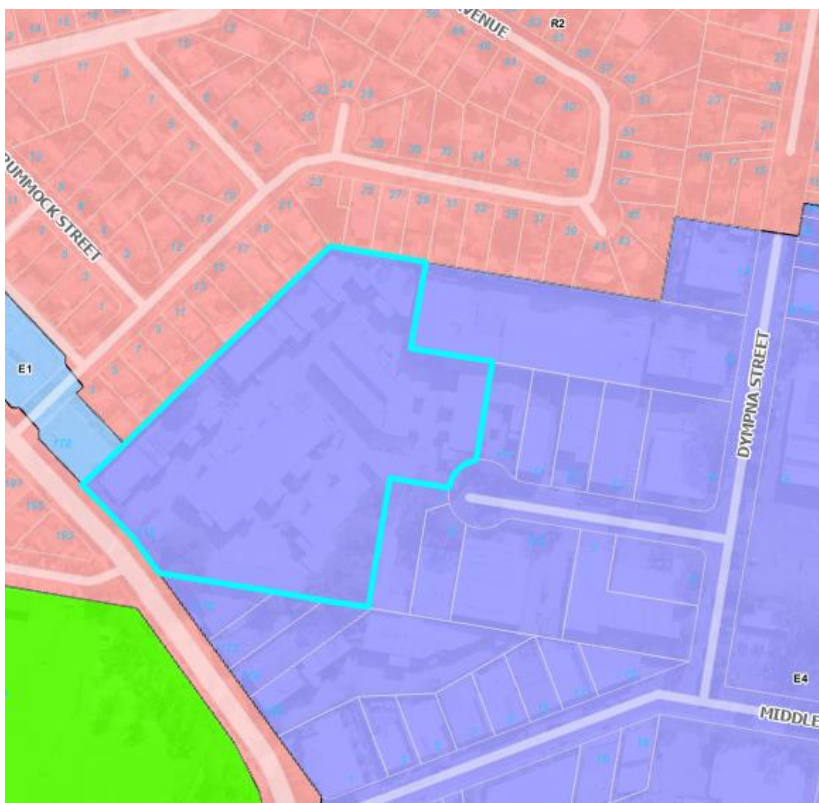


Figure 7 – zone excerpt (Council's website)

The proposal constitutes change of use to a *'recreational facility (indoor)'*. The proposal is permitted within the zone with development consent.

Clause 2.3(2) of the LEP requires the consent authority to 'have regard to the objectives for development in a zone' in relation to the proposal. The objectives of the zone are stated as follows:

To provide a range of industrial, warehouse, logistics and related land uses.

To ensure the efficient and viable use of land for industrial uses.

To minimise any adverse effect of industry on other land uses.

To encourage employment opportunities.

To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.

To provide areas for land uses that need to be separated from other zones.

To provide healthy, attractive, functional and safe light industrial areas.

In response, the proposal is entirely consistent with the zone objectives, in that:

- it supports the ongoing and increased employment function of the land;
- it will provide facilities or services to meet the day to day needs of workers in the area;
- the proposed land use is compatible with the established business function of the zone and the location;
- it will not result in adverse effects on other land uses, in fact the land use will be complimentary and compatible with other land uses within the location;
- it will provide attractive, functional and safe land use within the area.

It is assessed that the proposed development is consistent with the zone objectives. Accordingly, the proposal has had sufficient regard to the zone objectives and there is no statutory impediment to the granting of consent.

4.2 Other relevant provisions of the LEP

Other provisions of the LEP that are relevant to the assessment of the proposal are noted and responded to as follows:

LEP Provision	Response	Complies
Part 4 of LEP – Principal Development Standards		
LEP Clause 4.3 – Height of Buildings	NA	NA
LEP Clause 4.4 – Floor space ratio	NA	NA
LEP Clause 4.6 – Exceptions to development standards	NA	NA
Part 5 of LEP – Miscellaneous Provisions		
LEP Clause 5.4 Controls relating to miscellaneous permissible uses	NA	NA
LEP Clause 5.10 Heritage Conservation	Council's maps do not identify the site as being affected by Heritage Conservation.	NA
LEP Clause 5.21 Flood planning	Council's maps do not identify the site as being affected by flooding.	NA
Part 6 of LEP – Additional Local Provisions		
LEP Clause 6.1 Acid sulfate soils	NA	NA
LEP Clause 6.2 Earthworks	No earthworks are proposed below the existing site levels.	NA

LEP Provision	Response	Complies
	The proposed development satisfies the considerations within clause 6.2 and the site is suitable for the development proposed.	
LEP Clause 6.4 Development on sloping land	Council's maps do not identify the site as being affected by sloping topography (being within Area A). The proposed development satisfies the considerations within clause 6.4 and the site is suitable for the development proposed.	NA

4.3 State Environmental Planning Policy

4.3.1 State Environmental Planning Policy - BASIX

The proposal is not BASIX affected development as prescribed. A BASIX assessment report does not accompany the application.

4.3.1 State Environmental Planning Policy (Resilience and Hazards) 2021

The following aspect of State Environmental Planning Policy (Resilience and Hazards) 2021 is applicable to the land and the proposed development:

- Chapter 4 - Remediation of Land

This matter is addressed below.

Chapter 4 – Remediation of Land

Chapter 4 – Remediation of Land applies to all land and aims to provide for a State-wide planning approach to the remediation of contaminated land. Council is required to consider whether land is contaminated prior to granting consent to carrying out of any development on that land. In this regard, the likelihood of encountering contaminated soils on the subject site is low given the following:

- Council's records indicate that site has been redeveloped for a contemporary Strata Titled, light industrial estate, used for a range of generally 'clean', light industrial and commercial uses.
- The subject site and surrounding land are not currently zoned to allow for any uses or activities listed in Table 1 of the contaminated land planning guidelines.
- The subject site does not constitute land declared to be an investigation area by a declaration of force under Division 2 of Part 3 of the Contaminated Land Management Act 1997.

Given the above factors no further investigation of land contamination is warranted. The site is suitable in its present state for the proposed residential development. Therefore, pursuant to the provisions of the SEPP, Council can consent to the carrying out of development on the land.

5 Development Control Plan

5.1 Overview

In response to Section 4.15 (1)(iii) of the Act, the Warringah Development Control Plan (DCP) is applicable to the property. Relevant provisions of the DCP are addressed below.

5.2 Key DCP considerations

5.2.1 C2 and C3 of the DCP - Car parking traffic and access

As a change of use, DCP controls C2, C3 and Appendix 1 Car Parking Requirements are applicable to the proposal.

The proposal has been considered in relation to car parking and access. The circumstances of the property and its access provisions are described below.

Two spaces are allocated to the property tenancy. There is also provision of visitor parking within the Strata Titled complex.

The proposed land use is appropriately identified in the DCP car parking table as a gymnasium. The DCP, based on the RMS Guide to traffic generating development, establishes car parking requirements for the proposed use at 4.5 spaces per 100 square metres of GFA.

Only the gym floor will generate traffic and parking demand with only staff associated with the classes utilising the ancillary areas (e.g. kitchen space).

The proposed land use involves 68 square metres of gym floor area which generates demand for 3 car spaces. However, the proposed use is for personalised, one-on-one training, involving one client and one trainer. It will therefore generate demand for a maximum of two car parking spaces.

It is therefore assessed that the car parking provision is suitable to accommodate the demand generated by the proposed use. Given that an exception is proposed to the strict application of the numerical control, consideration is given to the objectives of the control, as outlined below:

Objectives of the control

An adequate number of parking and service spaces that meets the demands generated by the development.

Response -

The 2 off-street parking spaces provided are sufficient to meet the demand generated by the nature and intensity of the proposed land use.

Functional parking that minimises rainwater runoff and adverse visual or environmental impacts while maximising pedestrian and vehicle safety.

Response -

The off-street parking will not alter the rainwater runoff and not resulting in any unreasonable visual or environmental impacts whilst ensuring pedestrian and vehicle safety.

Safe and convenient parking

Response -

Safe and convenient parking, located within this state is available to the premise

Conclusion

The provision of 2 on-site car spaces is assessed as adequate for the nature and scale of the proposed land use.

Based on the above the proposal is assessed as satisfactory in addressing traffic, car parking and access considerations under clauses C2 and C3 of the DCP.

5.2.2 Part C9 – Waste Management

Minimal operational waste will be generated by the proposed development.

Limited general waste will be generated, noting most clients use their own drinking containers for hydration purposes associated with training

Provision for waste storage and collection is available, established and suitable for the demand generated by the proposed land use.

Based on the above the proposal is assessed as satisfactory in addressing waste management considerations.

5.2.3 Part D3 - Noise

Development consent is sought for business operation from 6am Monday to Friday and from 8am on Saturday. The following aspects are noted in support of the proposal:

- The site is appropriately located, within the E4 General Industrial zone, to accommodate the proposed use.
- The proposed land use is for personalised, one-on-one training, involving one client and one trainer. It is not therefore anticipated to generate significant noise levels.
- The site is centrally located within the established industrial estate and appropriately screened from sensitive residential land.
- The business operators will adopt the appropriate management strategies. They will ensure that noise generated from training activities is minimised between 6am and 7am Monday to Friday.
- The premise is an appropriate size and configuration for accommodating the proposed use.

Based on these characteristics, the proposal will not result in any significant unacceptable noise impacts that limit the use or enjoyment of nearby or adjoining land. Part D3 of the DCP is assessed as being satisfied by the proposal.

5.3 DCP compliance assessment – Parts C, D & E

Clause	Compliance with Requirement	Consistent with aims and objectives
Part C - Siting Factors		
C2 Traffic, Access and Safety - previously addressed.	Yes	Yes
C3 Parking Facilities - previously addressed.	No	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C6 Building over or adjacent to constructed Council drainage easements	NA	NA
C7 Excavation and landfill	NA	NA
C8 Demolition and Construction	NA	NA
C9 Waste Management - previously addressed.	Yes	Yes
Part D - Design		
D1 Landscaped Open Space	NA	NA
D2 Private Open Space	NA	NA
D3 Noise - previously addressed.	Yes	Yes
D4 Electromagnetic radiation	NA	NA
D6 Access to Sunlight	NA	NA
D7 Views	NA	NA
D8 Privacy	NA	NA
D9 Building Bulk	NA	NA
D10 Building Colours and Materials	NA	NA
D11 Roofs	NA	NA
D12 Glare and Reflection	NA	NA

Clause	Compliance with Requirement	Consistent with aims and objectives
D13 Front fences and front walls	NA	NA
D14 Site facilities	Yes	Yes
D15 Side and rear fences	NA	NA
D16 Swimming Pools and Spa Pools	NA	NA
D17 Tennis courts	NA	NA
D18 Accessibility	Yes	Yes
D19 Site consolidation in the R3 and IN1 zone	NA	NA
D20 Safety and security	Yes	Yes
D21 Provision and location of utility services The site is connected to all relevant utility services.	Yes	Yes
D22 Conservation of Energy and Water	NA	NA
Part E - The Natural Environment		
E1 Preservation of Trees or Bushland Vegetation	NA	NA
E2 Prescribed Vegetation	NA	NA
E3 Threatened species, populations, ecological communities listed under State or Commonwealth legislation, or High Conservation Habitat	NA	NA
E4 Wildlife Corridors	NA	NA
E5 Native Vegetation	NA	NA
E6 Retaining unique environmental features	NA	NA
E7 Development on land adjoining public open space	NA	NA
E8 Waterways and Riparian Lands	NA	NA
E9 Coastline Hazard	NA	NA
E10 Landslip Risk	NA	NA
E11 Flood Prone Land	NA	NA

6 Section 4.15 the Environmental Planning and Assessment Act – Summary

The proposal has been assessed having regard to the matters for consideration pursuant to S.4.15 of the Act and to that extent Council can be satisfied of the following:

- There will be no significant or unreasonable adverse built environment impacts arising from the proposed physical works on the site.
- The site is appropriate for accommodating the proposed development. The proposal has sufficiently addressed environmental considerations. There will be no significant or unreasonable adverse environmental impacts arising from the proposal.
- The proposal will result in positive social and economic impacts, noting:
 - Employment during the construction and operational phases of the development
 - Economic benefits, arising from the continued commercial use of the land
 - Social benefits arising from additional local facilities.
- The proposal is permissible and consistent with the objectives of the zone, pursuant to the LEP. The proposal satisfies the provisions of the relevant provisions of the council's DCP.
- It is compatible with the current and likely future character of development within the local context.
- It will not result in any significant unacceptable offsite impacts that limit the use or enjoyment of nearby or adjoining land.
- The proposal will have an acceptable impact when considering key amenity issues such as visual impact, views, overshadowing, noise and privacy.
- Given the site's location and established function, the site is assessed as being entirely suitable for the proposed development.
- The public interest is best served through the approval of the application.

7 Conclusion

The application seeks development consent for change of use to a studio (small) gym, 'recreational facility (indoor)', within the ground floor of the premises at 52/176 South Creek Road, Cromer.

The proposed development has been assessed with consideration to the relevant statutory policies. In summary:

- The proposal is a permissible land use and is consistent with the LEP's zone objectives.
- The proposal satisfies the relevant DCP planning controls.
- The premise / land is suitable for accommodating the nature, scale and intensity of the proposed land use, compatible with the local character.
- The proposal will not result in any unacceptable physical or amenity impacts of nearby land.
- The potential for minor environmental impacts can be mitigated by conditions of development concern.
- The proposal will provide for the adaptive reuse of the premise with the benefits of local employment opportunities, compatible with the established industrial/commercial function of the Strata Titled estate.
- The development is in the public interest.

In view of the above, the proposed development will provide a significantly positive impact and should be approved.

BBF Town Planners

Michael Haynes - Director